

UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

FILED

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

LEON RUSSELL,

Plaintiff,

v.

ATM SOLUTIONS, INC.

Defendant.

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No. _____

JUDGE _____

JURY DEMAND

COMPLAINT

COMES NOW Plaintiff, by and through counsel, and alleges the following in his cause of action against Defendant: Count One – Violation of the Age Discrimination in Employment Act.

1. Plaintiff, Leon Russell, resides in Davidson County, Tennessee.
2. Defendant, ATM Solutions, Inc., whose place of business is in Goodlettsville, Tennessee and principal place of business is in Cincinnati, Ohio. Defendant can be served through its Registered Agent, CT Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee 37929.

JURISDICTION AND VENUE

3. This action is brought under the Age Discrimination in Employment Act, the Tennessee Human Rights Act, T.C.A. §4-21-101 *et seq* and the common law of the State of Tennessee.
4. This Court has jurisdiction under 28 U.S.C. 1331 to hear Plaintiff's claims arising under the Constitution and laws of the United States.

5. This Court has jurisdiction under 28 U.S.C. 1343(4) to hear Plaintiff's claims to recover damages and to secure equitable relief under any Act of Congress providing for the protection of civil rights.

6. This Court has supplemental jurisdiction over all state law claims alleged in this complaint under 28 U.S.C. 1367 as there is a common nucleus of operative facts between state and federal law claims.

7. Venue is appropriate in the Middle District of Tennessee under 28 U.S.C. 1391(b)(2) as this is the judicial district in which a substantial part of the events or omissions giving rise to this claim occurred.

GENERAL FACTUAL ALLEGATIONS

8. Plaintiff was an employee of ATM Solutions, Inc., throughout the scope of this Complaint. He began his employment with Defendant in 2001 as an armed guard/truck driver. Plaintiff is currently 77 years old.

9. During Plaintiff's employment with Defendant, he performed his job duties to the standard that was required of his position.

10. In or around January 26, 2012, Plaintiff was terminated from Defendant for having two accidents in the armored truck.

11. Plaintiff has seen younger employees have worse driving and accident records with the Defendant and were not terminated.

12. Plaintiff believes he was terminated due to his age.

13. Plaintiff filed his EEOC Charge and was issued his Right to Sue letter.

COUNT ONE

Violation of the Age Discrimination in Employment Act

14. The conduct described herein of discrimination and retaliation constitute unlawful discriminatory practices on the part of Defendant in violation of the Age Discrimination in Employment Act.

15. Defendant is a "person" as defined by the Age Discrimination in Employment Act.

16. Defendant did segregate or classify Plaintiff based upon his age in a way that would tend to deprive him of employment opportunities or otherwise adversely affect his status as an employee.

17. Defendant's less favorable treatment of Plaintiff compared to his younger counterparts resulted from a knowing and intentional pattern of discrimination in violation of the Age Discrimination in Employment Act.

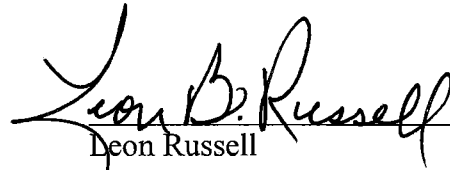
18. As a direct and proximate result of Defendant's violation of the Age Discrimination in Employment Act, Plaintiff has suffered and continues to suffer distress, humiliation, embarrassment, emotional pain and other damages.

WHEREFORE, Plaintiff prays:

1. For a jury to be empaneled and a judgment of compensatory damages to include front pay, back pay and emotional suffering;
2. Punitive damages;
3. Attorney's fees and the cost of litigation to include expert fees;
4. Damages for humiliation and embarrassment;

5. All other remedies and injunctions as are necessary and proper to eliminate the discriminatory practices of Defendant;
6. A judgment against Defendant for prejudgment interest; and,
7. Such other relief as this Court deems proper.

Respectfully submitted;

A handwritten signature in cursive script that reads "Leon B. Russell". The signature is written in black ink and is positioned above the printed name and address.

Leon Russell
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Hermitage, Tennessee 37076
(615) 294-0441

Pro Se